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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the World Alliance of Reformed Churches, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 December 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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Introduction

The World Alliance of Reformed Churches links 75 million christians in 214 churches of Presbyterian and Congregational origin in 106 countries. Its commitment to human rights dates back to its very origins. As a faith community, and an active part of civil society, we are very concerned about the effects of economic globalisation: the injustice of the current economic system victimises a big majority of the world population. Since 1995, we have held a series of regional consultations around the world on this issue, which have led to growing awareness and, since 1997, to a movement towards covenanting for justice among our member churches.

In this context, WARC, jointly with the World Council of Churches, the Christian Conference of Asia, the Church of Christ in Thailand and the Asian Cultural Forum on Development (ACFOD), held a symposium on the consequences of economic globalisation in Asia in November 1999. This submission draws in particular on the messages adopted by the symposium[1].

It is in this spirit that we wish to address a certain number of challenges which globalisation presents to the implementation of the International Covenant on Economic, Social and Cultural Rights, and in particular to Articles 11 and 15.

Globalisation has world-wide effects

(Article 11.1)

Truism though that is, globalisation has implications for the application of the Covenant. Although only Article 11.1 explicitly states: "The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent", the same must in logic apply to the other articles whenever an action taken in one country has an inescapable impact on the enjoyment of economic, social and cultural rights in another country.

The Judeo-Christian tradition contains a vision according to which every fifty years – i.e. regularly and repeatedly – the soil must be allowed to rest, debts must be written off, the slaves liberated and the land returned to its original owners[2]. The reason for this mechanism is described in the succinct phrase "For to everyone who has shall be given, and he shall have abundance to excess, but from him who has not shall be taken away even that which he has"[3]. Figures which UNDP has been publishing for several years now confirm that this saying accurately describes reality[4]. *The concept of Jubilee as it can be found in the Bible links the real renewal of the economy with the willingness to make the basic resources of life ... available to all, and not only to the privileged.*

...trade liberalisation policies pursued by the World Trade Organisation contributed significantly to the following results:

1. *Growing impoverishment and discontent among the majorities of people in [the countries of the South].*

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[1] Bangkok, 12-15 November 1999. Quotations from the messages appear in italics below. The full texts can be found in World Council of Churches, *There are alternatives to globalisation*, Geneva March 2000

[2] Leviticus 25.8-54. For a recent explanation of the social mechanisms which give rise to the call for the Jubilee, see Dommen, Edward, "Heureux anniversaire Sisyphe! une analyse économique du mythe du jubilé" in *Debt and the Jubilee*, ed. Jean-Michel Bonvin, Geneva, Observatoire de la finance, 1999

[3] Matthew 25.29

[4] To take but one example, see Figure 1.6, p.38 of UNDP, *Human Development Report 1999*.

2. *Increasing inequality in income distribution within countries, which is masked by the economic statistics that ...do not show how the urban poor and rural communities were pushed even further into misery and despair.*

In so far as the rich are the cause of the poor's misery, they have a responsibility for the consequences of their actions. It is up to them to ensure that the prosperity they command benefits the poor. Conscious steps must be taken to counter the natural tendency for the rich to get richer while the poor get poorer.

In addition, the neo-liberal free market system is based on competition, which inevitably excludes the weakest and the poorest. This is contradictory to our Christian vision that the rich are responsible for the poor.

The right to be free from hunger

(Articles 11, 15)

Article 11.2 deals explicitly with this right. The liberal market economy however arranges access to food on the basis of command over purchasing power. As a result it is more profitable to produce animal feed to produce meat for the rich, or indeed to fuel cement works with meat, rather than provide food directly to the poor who are hungry.

Furthermore, the problems of food-importing and food-exporting countries –as referred to in Article 11.2.b– include imperfect supply chains. The poor are particularly vulnerable to these imperfections. The right to be free from hunger calls for supplies which are first of all reliable, which in turn normally means short supply chains and protection from fluctuations in exchange rates: food locally grown using a minimum of imported inputs.

We fully agree with the following affirmation made by Pope John Paul II in his message for the celebration of the World Day of Peace (1 January 2001): *«...the promotion of justice* is at the heart of a true culture of solidarity. It is not just a question of giving one's surplus to those in need, but of 'helping entire peoples presently excluded or marginalized to enter into the sphere of economic and human development. For this to happen, it is not enough to draw on the surplus goods which in fact our world abundantly produces; it requires above all a change of lifestyles, of models of production and consumption, and of the established structures of power which today govern societies'.[5] »

Intellectual property rights, which are the subject of article 15.1.c, also affect the right to be free from hunger. Firstly, the patenting of living things can restrict access by the poor to basic agricultural inputs, appropriate to, and indeed normally rooted in, their culture and environment. Seeds are usually mentioned in this context, but other living things like trees are also involved. These restrictions can be particularly damaging to indigenous communities.

Article 15.1.c recognizes "the right of everyone to benefit from the protection of the ... interests resulting from any ... production of which he[6] is the author". There is a regrettable tendency in current practice, supported by the WTO, for the protection to slip from the author to the publisher or distributor. WARC is glad that a spokesman for WIPO has recently stated that "In WIPO we focus our attention on what seems to me to be the heart of intellectual property: creation, not distribution. The ultimate aim is to remunerate the creator, not privilege the distribution or exploitation of works"[7].

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[5] John Paul II, Encyclical Letter *Centesimus Annus*, 58.

[6] Sic. But the insistence in General Comment 12 para.1 that a similar phrase in Article 11 applies to everyone undoubtedly extends to Art. 15.1.c. The Committee on Economic, Social and Cultural Rights would earn congratulations if it were to declare explicitly that 'everyone' includes not only individuals but traditional communities and indigenous peoples.

[7] Francis Gurry, quoted in L'Hebdo, 7 December 2000, p.67

WARC would like to underline the importance of Article 11, which recognizes "the fundamental right of everyone to be free from hunger" (Art. 11.2), and the right to adequate food (Art.15.1); and we wish to stress that it is to be interpreted in its full meaning, assessing the indivisibility of economic rights from all other human rights. The Christian tradition recognizes the central role food plays in conviviality and community, which are basic elements of each culture. The first of Jesus' miracles was to provide wine for a wedding[8]. *The Washington consensus is bulldozing all other cultures, creating a consumerist attitude taking away the life of agricultural communities*. It is also changing traditional cultural food patterns. Respect for the community who eat is a fundamental human need; there is any amount of evidence that people attach greater importance to that than to the ingurgitation of food. In WARC's view, "equitable distribution of food supplies in relation to need" can only be interpreted in that light. In short, WARC endorses the multifunctionality of agriculture and resistance to its merchandisation.

The World Trade Organisation, a threat to Economic, Social and Cultural Rights

Many of the rights we have just described are contradicted by the WTO Agreement. Further more, the Agreement contains provisions which are in keeping with customary international law's unconditional protection of human rights (see Article XX of GATT Agreement) but they have been interpreted and implemented in a way that conflicts with these principles and with the legally binding norms of the Covenant.

It is essential that the protection of human rights be given back its right place within all UN related bodies, including in particular the World Trade Organisation. A system of checks and balances needs to be established and UN bodies specifically responsible to protect human rights need to be given the power to do so. The UN Commission on Human Rights is particularly well placed to play a counterweight role[9]. In seizing this opportunity you can respond to the aspirations of the weak, vulnerable and excluded worldwide. Encouraging you to do so, the World Alliance of Reformed Churches assures the Commission of its support for efforts in this direction.

Often things hidden from the wise and prudent are known to the very small[10]. WARC and its member churches strive to include the latter. We listen to our constituency found all over the world and to its cry for justice. We are therefore well placed to bring to the Commission's knowledge the reality of the experiences and the cries of the least of the people, who should be the focus of the solicitude of all and especially of the powerful. WARC encourages its member churches to help the Commission in this way.

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[8] John 2.1-11

[9] Viz. Dommen, Caroline, *Economic, Social and Cultural Rights and WTO Work on Intellectual Property Rights: Current Processes and Opportunities*, Paper Prepared for the Committee on Economic, Social and Cultural Rights Day of General Discussion, 27th November 2000

[10] Matthew 11.25